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Summary record of the 25th meeting
Held at Headquarters, New York, on Tuesday, 30 October 2001, at 10 a.m.

Chairman: Mr. Al-Hinai ..... (Oman)

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01-61004 (E)

The meeting was called to order at 10.25 a.m.

Agenda item 112: Advancement of women (*continued*) (A/C.3/36/L.20, L.21, L.22, L.23, L.25, L.26 and L.27)

Draft resolution A/C.3/56/L.20 entitled "The critical situation of the International Research and Training Institute for the Advancement of Women"

1. **Mr. Alaei** (Islamic Republic of Iran), introducing the draft resolution on behalf of the Group of 77 and China, said that the continued strengthening of the International Research and Training Institute for the Advancement of Women (INSTRAW) was essential for the developing countries, which sorely needed its resources to underpin gender-related policies and programmes. There was also a need to rationalize the geographical distribution of the headquarters of United Nations bodies so that those countries, too, could benefit as hosts of such headquarters.

2. The Group of 77 and China strongly recommended that a concerted effort should be made to evaluate and remedy INSTRAW's structural problems as a matter of urgency. The purpose of the task force referred to in the draft resolution was to ensure its development and long-term sustainability. Past attempts to revitalize it had been based not on serious restructuring proposals, but merely on requests for resources and the redistribution or reduction of its work. He hoped the draft resolution would be adopted by consensus.

Draft resolution A/C.3/56/L.21 entitled "The integration of older women into development"

3. **Ms. Loemban Tobing-Klein** (Suriname) introduced the draft resolution on behalf of the original sponsors and Barbados, Benin, Belize, the Congo and Mongolia. The draft resolution was aimed at solving problems that beset older women. Some delegations had immediately expressed their wish to co-sponsor the draft resolution, while others had expressed reservations. Older women were discriminated against in terms of benefits, although the tasks they performed were not only beneficial to society but were becoming increasingly essential, especially in developing countries, where Governments were unwilling or unable to play their part.

4. The draft resolution was no innovation. Many such resolutions had been adopted over the years, and most of the language of the draft was agreed languag used in the resolutions recalled in the second preambular paragraph. The sponsors had involved th Subcommittee on Older Women of the Unite Nations/NGO Committee on Ageing of th Commission on the Status of Women.

Draft resolution A/C.3/56/L.22 entitled "Improvement of the status of women in the United Nations system"

5. **Ms. Hudson** (Australia), introducing the dra resolution on behalf of the sponsors, said that th following countries also wished to sponsor the draf the Democratic People's Republic of Kore Kazakhstan, Malta, the Federated States of Micronesi Mongolia, Morocco, Panama and Solomon Islands.

6. Similar resolutions had been submitted for number of years and were traditionally a consens text, which the sponsors hoped would again be t case. While the essential elements of previous yea had been retained, new elements had been incorporat on the basis of the report of the Secretary-General improvement of the status of women in the Secretar (A/56/472) and of the efforts of the United Natio system. The draft sought to support continued efforts achieve a 50/50 gender balance in senior posts with the United Nations system.

7. Additions compared with earlier versio included recognition of women's representation peacekeeping, on tribunals and on United Natio expert bodies, and recognition of the importance sharing the benefits of experience and success initiatives. She hoped that the resolution would attr the same high number of sponsors as its predecessor.

8. **The Chairman** announced that Burundi, Dominican Republic, Madagascar, Surina Venezuela and Zambia also wished to join the list sponsors.

Draft resolution A/C.3/56/L.23 entitled "Traditional customary practices affecting the health of women an girls"

9. **Ms. Valkenburg** (Netherlands), introducing draft resolution on behalf of the sponsors, announ that the following countries had joined the list sponsors: Bulgaria, Ecuador, El Salvador, Erit Grenada, Guyana, India, Indonesia, Malaysia, Ma the Federation of States of Micronesia, Moro Mozambique, Panama, Papua New Guinea, Rwa

Saint Lucia, Saint Vincent and the Grenadines, Samoa, Trinidad and Tobago and Vanuatu. She pointed out that the name "Mauritania" in the original list of sponsors should be replaced by "Mauritius".

10. It was the fourth time that a draft resolution on the subject had been submitted. It had always attracted many sponsors from all regions of the world and been adopted without a vote, attesting to the universal recognition of the urgency of eradicating such practices, especially female genital mutilation. She hoped that the draft resolution would help attain that end. It would certainly be a major step on the road to gender equality and better health for women.

11. She expressed her gratitude to the many delegations that had contributed and to all the sponsors, especially those in whose countries those harmful practices persisted. She hoped that the draft resolution would again be adopted by consensus.

12. **The Chairman** announced that Belarus, Burundi, Cambodia and Peru wished to join the list of sponsors.

Draft resolution A/C.3/56/L.25 entitled "United Nations Development Fund for Women"

13. **Mr. Francis** (Jamaica), introducing the draft resolution on behalf of the sponsors, said that the following countries had joined the list of sponsors: Afghanistan, Azerbaijan, the Democratic Republic of the Congo, Ecuador, Japan, Mali, the Marshall Islands, Mongolia, New Zealand, Singapore and the former Yugoslav Republic of Macedonia.

14. The draft resolution, which contained elements additional to those of its predecessors, highlighted the importance of strengthening the work programme of the United Nations Development Fund for Women (UNIFEM) to support gender mainstreaming in the follow-up to major United Nations conferences and special sessions, and recognized its work in addressing the gender dimension of the HIV/AIDS epidemic. The text, to which many delegations had contributed and which he hoped would be adopted by consensus, expanded on General Assembly resolution 154/136 and would form the basis of UNIFEM's operations.

15. **The Chairman** announced that Burundi, Costa Rica, Cyprus, Madagascar, Kenya, Sierra Leone and Zambia wished to join the list of sponsors.

Draft resolution A/C.3/56/L.26 entitled "Convention on the Elimination of All Forms of Discrimination against Women"

16. **Ms. Suikkari** (Finland), introducing the draft resolution on behalf of the sponsors, said that the following countries had joined the list of sponsors: Bulgaria, Cuba, Ethiopia, Rwanda, Saint Vincent and the Grenadines and Turkey. The Convention was the most widely ratified human-rights treaty and had had a significant impact on the development of national legislation and on an agenda for action to eliminate discrimination against women and promote their status worldwide.

17. Although the Convention encompassed all categories of rights and had a large number of States parties, the Committee established under the Convention had the shortest annual session of any human-rights treaty body, making for an onerous workload. Although the Meeting of States Parties to the Convention had attempted to remedy the situation by amending article 20 to allow more meeting time, the amendment had not entered into force. The Committee had an enormous backlog of reports awaiting its consideration. Accordingly, pending the entry into force of amended article 20, the draft resolution sought to alleviate the pressure on the Committee, whose members demonstrated their dedication by their willingness to devote an extra three weeks to the Committee's work.

18. It was incumbent on the General Assembly to provide them with the means to fulfil their mandate effectively under the Convention and the Optional Protocol. She hoped that the draft resolution would again be adopted by consensus.

19. **The Chairman** announced that the following countries wished to join the list of sponsors: Panama, Sierra Leone, Suriname and Zambia.

Draft resolution A/C.3/56/L.27 entitled "Violence against women migrant workers"

20. **Ms. Garcia** (Philippines), introducing the draft resolution on behalf of the sponsors, made a number of editorial corrections to the English text and said that her delegation considered that the issue was very important in the light of the global call for gender mainstreaming and the crusade for the promotion and protection of the human rights of women migrant

workers. It was hoped that the draft resolution would be adopted by consensus as in previous years.

21. The following countries had also expressed the wish to sponsor the draft resolution: Argentina, Croatia, Ethiopia, Fiji, Indonesia, Israel, Madagascar, Morocco, Pakistan and Sierra Leone.

Agenda item 110: Crime prevention and criminal justice (*continued*) (A/C.3/56/L.15/Rev.1 and L.17/Rev.1)

Draft resolution A/C.3/56/L.15/Rev.1 entitled "Combating the criminal misuse of information technologies"

22. **Mr. Rabby** (United States of America), introducing the draft resolution on behalf of the sponsors, summarized the contents and indicated a minor editorial correction to the English version. The sponsors hoped that the draft resolution would be adopted by consensus.

23. The following countries also wished to sponsor the draft resolution: Angola, Bangladesh, Bolivia, Bulgaria, Burundi, Cambodia, Colombia, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Ethiopia, France, Georgia, Italy, Japan, Kenya, Liechtenstein, Luxembourg, Malawi, the Marshall Islands, Mauritius, Micronesia, Mongolia, Namibia, Norway, Saint Vincent and the Grenadines, Sierra Leone, Slovenia, South Africa, Sri Lanka, Suriname, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, and Yugoslavia.

Draft resolution A/C.3/56/L.17/Rev.1 entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity"

24. **Ms. Borzi Cornacchia** (Italy), introducing the draft resolution on behalf of the sponsors, said that her Government was convinced of the need for closer cooperation and coordination among Member States in combating crime, particularly now that criminal activities appeared to be taking advantage of globalization. The United Nations Convention against Transnational Organized Crime and its three protocols represented a milestone in fostering such cooperation.

25. Building on the new political consensus that had emerged within the United Nations in combating terrorism, particularly after the tragic events of 11 September, the draft resolution included some references to the assistance that the Centre for International Crime Prevention could offer, through its Terrorism Prevention Branch. However, there was an evident discrepancy between the Centre's resources and its mandate; thus its ability to respond to its expanded commitments depended heavily on an increase in voluntary contributions.

26. The following countries had also expressed the wish to sponsor the draft resolution: Australia, Bulgaria, Colombia, Ecuador, Guatemala, Fiji, Israel, Kenya, Kazakhstan, Mongolia, New Zealand, Suriname and Turkey.

Agenda item 116: Programme of activities of the International Decade of the World's Indigenous People (*continued*) (A/56/206)

27. **Ms. Ayuso** (Argentina) said her country considered indigenous communications media to be an indispensable tool for promoting the identity, language, culture, image and human rights of the indigenous peoples and should be strengthened.

28. During its April session, the Commission on Human Rights had adopted a resolution entitled "Human rights and indigenous issues" (E/CN.4/RES/2001/57), appointing a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the Argentine Republic offered him its full collaboration.

29. The Indigenous Fellowship Programme, which enabled indigenous persons to receive training at the Office of the High Commissioner for Human Rights, was greatly appreciated, as was the collaboration of the Deusto University in Bilbao, Spain, which had provided human-rights training to indigenous fellows from Latin America.

30. The Argentine Republic had an indigenous population of about 800,000, who belonged to 17 different peoples and represented 1.5 per cent of its population. Their rights and well-being were protected by law, and their participation in the management of their own affairs was one of the Government's particular concerns.

31. **Ms. Taracena** (Guatemala), speaking on behalf of the countries of Central America and the Dominican Republic, said that the establishment by the Economic and Social Council of the Permanent Forum on

Indigenous Issues, as an advisory body, was an important event of the International Decade of the World's Indigenous People (1995-2004). The delegations she represented had contributed significantly to the establishment of the Forum, which would hold its first session in May 2002, with the mandate of finding responses to the specific needs of indigenous peoples.

32. The terms of reference of the United Nations Voluntary Fund for Indigenous Populations should be expanded to allow its resources to be used to finance the participation of indigenous organizations in the Forum; funding from the United Nations regular budget was also vital to finance administrative costs. Her delegation joined with the Fund's Board of Trustees in expressing its gratitude to donors for their generous contributions and inviting Governments, non-governmental organizations and other public and private entities to support the Fund.

33. The delegations of Central America and the Dominican Republic were also working actively to achieve the adoption of the draft declaration on the rights of indigenous people drawn up by the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights. As to the view that the Working Group should be dissolved now that the Permanent Forum existed, they considered that there should be a transition period and the situation should be evaluated once the Forum started to operate.

34. Indigenous peoples required a climate of respect, tolerance and solidarity to be able to flourish, particularly in countries where they represented a minority of the total population. In today's world, economic and social development was a global goal and Governments and the international community should unite efforts to eliminate inequalities and create conditions for the development of indigenous peoples and the reduction of poverty.

35. Speaking as the representative of Guatemala, where indigenous peoples made up almost half the population, she said that representatives of her Government had been very active in connection with the adoption of the draft declaration on the rights of indigenous people, and considered that the establishment of the Permanent Forum on Indigenous Issues was an important step towards achieving the objectives of the International Decade of the World's Indigenous People. The appointment by the United Nations Commission on Human Rights of a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, on the initiative of Guatemala and Mexico (Commission on Human Rights resolution 2001/57), was to be welcomed, as was the discussion of the question of indigenous peoples that had taken place at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in September 2001.

36. The Agreement on Identity and Rights of Indigenous Peoples, concluded in Mexico City in 1995, had provided guidance in implementing the Guatemala Peace Agreements, although the political will of the Government had been at times hampered by a lack of funds, for example in the establishment of an intercultural education system. Another important achievement had been the establishment of an agency (*defensoria*) for the protection of indigenous women, which provided legal advice to women whose fundamental rights had been violated; its other functions included disseminating information on the human rights of indigenous women and providing training.

37. One of the principal obstacles to a sustainable level of human development was social exclusion, a main cause of the backwardness of indigenous communities in Guatemala. Nevertheless, some progress had been achieved during the first six years of the International Decade as a result of the willingness of international organizations to adjust their programmes to accommodate the objectives of the indigenous peoples.

38. **Ms. Gálvez** (Mexico) said that her Government attached priority to the question of indigenous peoples, who represented 12 per cent of the population. A new relationship had to be established between the State, the indigenous peoples and society, recognizing the right of self-determination, respecting ethnic diversity and responding to long-standing problems of migration, discrimination, backwardness and loss of elementary rights.

39. At the international level, progress could be seen in the establishment of the Permanent Forum on Indigenous Issues and the appointment of a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people. On the

other hand, work on the draft declaration on the rights of indigenous people had been delayed, and the expectations of the International Decade of the World's Indigenous People had not been met. Recent events had shown that war could become a global preoccupation and that military spending could cancel out social spending.

40. Indigenous demands for inclusion and recognition comprised a message of peace and tolerance. It was no longer diversity but rather inequality and intolerance that were the problems. The indigenous peoples of Mexico and the American continent in general were the guardians of a culture that respected knowledge, ecosystems and forms of social consensus. Their struggle — for drinking water, education and the right to a fair trial — was a peaceful one in a multicultural context.

41. The indigenous peoples wished to keep their place in the concert of nations. Their fight for the draft declaration was a fight for peace and coexistence; the declaration must set out their fundamental rights and could not lag behind the achievements of other international instruments. At the same time, international cooperation was a priority for achieving an efficient up-to-date system for the development of indigenous peoples through the restructuring of the Inter-American Indian Institute and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean.

42. The goal set by the International Decade of the World's Indigenous People of strengthening international cooperation to solve the development problems of indigenous peoples could not be abandoned. For that reason, the year 2004 would mark the end of a stage in the work, and the fulfilment of a covenant.

43. **Mr. Chuquihuara** (Peru) said that, at the Summit of the Americas held in Quebec City in April 2001, Governments had recognized that the unique nature of the cultures and circumstances of the indigenous peoples of the Americas required special measures to enable them to achieve their potential, and that their inclusion in developed societies would be a valuable contribution to strengthening democracies, economies and civilizations. The political will of the Governments of the region to work for their indigenous populations had also been reflected in the initiative for the Draft American Declaration on the Rights of Indigenous Peoples. In July 2001, the member countries of the Andean Community had adopted the Machu Picchu Declaration, which stressed that a strategy to combat poverty must include indigenous peoples and recognized the importance of cultural diversity in the Americas and support for the right to the identity and traditions of indigenous peoples.

44. The Government of Peru had been working to strengthen a political system based on democracy and respect for human rights, taking into account how they related to social development and to combating poverty. Since poverty and discrimination hindered progress, the human rights of the entire population must be protected and all forms of discrimination against indigenous communities eliminated; for that purpose, the quality of life of the population needed to be improved so as to provide access to basic services and adequate nutrition.

45. The multicultural nature of the Peruvian population had led to the increased participation of various ethnic groups in Congress in recent years. The Government's action was directed at creating a society based on diversity and pluralism and respecting different beliefs and values. Pluralism in the media was also important for producing useful educational programmes.

46. His delegation welcomed the Permanent Forum on Indigenous Issues, which provided a unique opportunity for establishing a dialogue between government representatives and the communities themselves within a United Nations body. The Forum would contribute to strengthening the human rights of the indigenous peoples and would give them access to a permanent mechanism for dealing with their problems.

47. **Ms. Shoman** (Belize), speaking on behalf of the 14 members of the Caribbean Community (CARICOM), said that vigilance was required to counter the new difficulties faced by indigenous peoples. Keen attention would be paid to the work being done on the draft declaration on the rights of indigenous people.

48. At its latest session, the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights had reviewed land issues, education and standard-setting activities and the relationship of indigenous peoples with natural resources and mining companies, issues

closely linked to the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, recently held in Durban, South Africa. CARICOM commended the Office of the United Nations High Commissioner for Human Rights for its efforts in the Indigenous Fellowship Programme, which gave indigenous individuals the opportunity to gain experience in human rights and to serve as resource persons in their communities. The human and institutional capacities of indigenous people must be strengthened if they were to share in decision-making.

49. To demonstrate its commitment to the advancement of indigenous people, in 2000 the Government of Belize had signed an agreement with the Maya peoples of Southern Belize, recognizing their right to lands and resources based on long-standing use and occupancy and agreeing to form a partnership in order to address, inter alia, urgent land needs. Other areas of work would include sustainable management of natural resources within traditional Maya areas, protection of Maya cultural practices and the reform of community governance institutions. A draft regional development plan had been drawn up for the area with the assistance of the Inter-American Development Bank, which would provide the funds for implementing the plan. However, such efforts were often hindered by natural disasters, which could destroy years of work in a matter of hours. A very recent hurricane had left thousands of people homeless in the indigenous communities.

50. She noted the progress made in the establishment of the Permanent Forum on Indigenous Issues, which would provide critical advice to the Economic and Social Council.

51. CARICOM's commitment to the integration of indigenous peoples into its development agenda was unquestionable; it had included their participation in decision-making to ensure that their customs were taken into consideration in the sustainable development of the region's natural resources. It was aware of the contributions and sacrifices they had made to national development and remained committed to the protection and improvement of their quality of life.

52. **Mr. Naidu** (Fiji) took note of the progress made in setting up the Permanent Forum on Indigenous Issues and welcomed the creation of focal points in the specialized agencies. It also welcomed the appointment of a special rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous peoples, whose work should give impetus to the Working Group on the draft declaration on the rights of indigenous peoples.

53. Prior to the recent Durban Conference on racism, the Workshop on Multiculturalism in Africa had given indigenous concerns a positive dimension, and similar programmes were needed in other parts of the world. The indigenous peoples of the Pacific region were seriously concerned over such issues as land ownership, resource management, political control and sustainable development. While awaiting the adoption of a draft declaration, he hoped that the Permanent Forum could address those concerns. An increase in funding for the Forum would also increase participation by indigenous peoples in United Nations activities.

54. **Mrs. Loemban Tobing-Klein** (Suriname) applauded the Indigenous Fellowship Programme as a vehicle to improve awareness of human rights and to contribute to the United Nations Decade for Human Rights Education.

55. Indigenous peoples and Maroons in Suriname were major stakeholders in the exploitation of natural resources, eco-tourism and bio-prospecting in their traditional lands, but their participation at all levels must be improved. They were the most disadvantaged group in society and the most vulnerable to water pollution, decreased biodiversity and mercury pollution caused by foreign gold mines.

56. In closing, she said that her delegation strongly supported the Permanent Forum on Indigenous Issues as a tool to address specific concerns, and in fact, her Government intended to submit a candidate for election to the Forum.

57. **Mr. Ndimeni** (South Africa) said that for centuries of oppression under colonial and apartheid rule, the rights of indigenous peoples in South Africa had been systematically violated. Its first democratic elections, in 1994, had marked a turning point in respect for those rights. Since that time, the traditional heritage, language rights, culture and ancestral lands of indigenous peoples were gradually being restored.

58. South Africa was in the process of drafting legislation to protect intellectual-property rights and indigenous-knowledge systems, which could make a

useful contribution to the international debate on collective intellectual-property rights.

59. His delegation welcomed the establishment of the Permanent Forum on Indigenous Issues and called for adequate funding to ensure its effectiveness. Allowing indigenous peoples to elect their own representatives was also a welcome development.

60. The recently-concluded Durban Conference, in its Programme of Action, had called on States to work with indigenous peoples to stimulate their access to economic activities and increase their level of employment by creating enterprises owned by indigenous peoples. It had also called for an end to the double discrimination suffered by indigenous women and girls on the grounds of both race and gender.

61. Although the appointment of a special rapporteur on the rights of indigenous people represented progress, his delegation remained concerned that, nearing the end of the International Decade of the World's Indigenous People, a declaration on their rights remained elusive. It hoped that, in the time remaining, consensus would be reached on those important issues.

62. **Mr. Fasehun** (Acting Director, World Intellectual Property Organization (WIPO)) said that recent developments in the area of biotechnology had highlighted the importance of traditional knowledge. Those developments were of particular interest to indigenous peoples, whose familiarity with biodiversity held great promise for economic development.

63. The work of WIPO in the area of traditional knowledge was over two decades old — it had begun work with the United Nations Educational, Scientific and Cultural Organization in the area of folklore and traditional knowledge in 1978. Work in that area had been advanced further by a recent series of fact-finding missions on the intellectual-property needs and expectations of holders of traditional knowledge. WIPO had undertaken other activities, including regional workshops, aimed at expanding awareness of the principles of intellectual-property systems and how they could be applied to the protection of traditional knowledge. It continued to give priority to the issue of traditional knowledge in its programmes, in its quest to make the intellectual-property system serve humankind.

The meeting rose at 12.30 p.m.

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Summary record of the 26th meeting
Held at Headquarters, New York, on Wednesday, 31 October 2001, at 10.30 a.m.

Chairman: Mr. Al-Hinai ..... (Oman)

Contents

Organization of work

Agenda item 118: Right of peoples to self-determination

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01-61299 (E)

The meeting was called to order at 10.40 a.m.

Organization of work

1. **The Chairman** said that the report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, recently held in Durban, South Africa, had not yet been published, at the request of the High Commissioner for Human Rights, as a result of a fundamental disagreement regarding the deliberations of the Conference itself. Following a discussion, the Bureau of the Committee proposed that, since the report was not ready for publication, the Committee's consideration of agenda item 117, "Racism and racial discrimination", should not begin until the report had been issued. It further proposed that, in the meantime, the Committee should immediately begin its consideration of agenda item 118: "Right of peoples to self-determination". Any delegation wishing to take the floor on item 118 could do so, while delegations already inscribed on the list of speakers for both items could advise the Secretariat if they wished to speak at another time.

2. If the Committee agreed to that procedure, the splitting of the consideration of those items would be the result of extraordinary circumstances and would not constitute a precedent. The proposal of the Bureau acknowledged the importance of item 117 to the work of the Committee, and had been made in an effort to assist the Committee in meeting its responsibilities in the most effective way.

3. **Mr. Xie** Bohua (China) asked about the impact of splitting the consideration of those items on the time available to the Committee to complete its programme of work, and when the report of the Durban Conference would be available.

4. **The Chairman** said that the Committee could extend two days past its deadline for completion of its work if necessary. He could not predict when the report would be available, but the Secretariat was making every effort to speed its issuance.

5. **Mr. Andrabi** (Pakistan) requested clarification on deadlines for submission of draft resolutions under those items.

6. **The Chairman** said that current deadlines for submission of draft resolutions and inscription on the list of speakers would be waived.

7. He would take it that the Committee wished to proceed as the Bureau had proposed.

8. *It was so decided.*

Agenda item 118: Right of peoples to self-determination (A/56/224, A/56/295 and A/56/462-S/2001/962)

9. **Mr. Bernales Ballesteros** (Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination), introducing his report (A/56/224), said that in addition to mercenary activities impeding self-determination, he had concentrated his work on criminal acts that violated human rights where mercenary involvement was suspected, including illicit trafficking and terror. Since the completion of his written report, he had received requests to visit El Salvador, Panama and the United States of America to investigate complaints that mercenaries had been used to launch attacks against Cuba from the territories of those three countries. He was also still awaiting a reply to his letter to the Government of Peru regarding the activities of Vladimiro Montesinos described in paragraphs 19 to 23 of his report. The Government's reply could provide the key to unmasking a system of human rights violations where mercenary activity appeared to be a major factor.

10. The first of two meetings of experts on the subject of mercenaries had been held in Geneva in January 2001. Subjects addressed had included private security companies offering military services and their participation in the formation of private armies. The experts had also reviewed the definition of "mercenary" and had noted that it should include motive, purpose, payment, type of action and nationality. Given the serious challenges posed by terrorism, a second meeting of experts would be convened in the near future.

11. Turning to mercenary activities in Africa, he drew attention to the problems in West Africa. Its wealth in minerals and oil, coupled with prevailing political instability and protracted armed conflicts, had attracted unscrupulous traders, and of course, mercenaries were not absent from their criminal operations. A policy of protection of the right to life, liberty, personal integrity and security and respect for State sovereignty must be adopted for Africa. The General Assembly and the

Security Council had taken some steps in that direction, which must be supported.

12. The possible connections between acts of terrorism and mercenaries must be explored in greater depth, given the current world situation. It would be a mistake to rule out connections between mercenary activity and terrorist acts, although the relationship was neither ongoing nor systematic. The majority of terrorist attacks were the result of distorted religious, political or philosophical views which brought the perpetrators to the point of devaluing human life. But there were other motivations, usually political or economic, which led Governments to include terrorist acts in their strategies to achieve their objectives or destroy opponents. An analysis of such covert activities showed that the use of mercenaries was often resorted to, because of their effectiveness. The act was still terrorist in nature, but it took on a mercenary character because of the executing agent. Terrorist operations were diffuse, fragmented, anonymous at all stages of preparation and indiscriminate in their targets, which would facilitate the use of mercenaries in their execution. Therefore, measures to prevent mercenaries from operating would also help to combat terrorism, as they would help in uncovering secret networks.

13. The Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism should take the possible connection between mercenaries and terrorism into account in its deliberations. In the same way, the General Assembly should remind States of their obligation not to encourage any activity, whether directly or indirectly, which might support terrorism, in addition to their obligation to prevent, investigate and punish the use and financing of mercenaries. Regrettably, thus far vigorous international action against mercenarism had been lacking. Many known mercenaries had never been brought to justice, and mercenary networks had taken shelter in the tendency of Governments, under pressure from powerful interests, to look the other way. Such permissiveness was dangerous and must cease. He also proposed that all States should agree to prohibit their intelligence services from participating in any covert activity that, under the pretext of achieving political or economic objectives, could result in a terrorist attack, whatever its method of execution.

14. Lastly, he was pleased to announce that Costa Rica had become the twenty-second State party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and accordingly, it had entered into force on 22 October 2001.

15. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) said that the mandate of the Special Rapporteur had acquired special relevance in the light of the recent terrorist attacks. In view of the correlation between the use of mercenaries and terrorism, the Special Rapporteur should cooperate closely with the Special Rapporteur on terrorism and human rights of the Subcommission on the Promotion and Protection of Human Rights. Her delegation wondered whether the delay in the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries was due to the inadequate definition of mercenaries. The Special Rapporteur had shown courage in naming the causes of terrorism, which included religious extremism and extremist ideologies, as well as lack of justice.

16. **Mr. Ferrer** (Cuba), having paid tribute to the work of the Special Rapporteur, which had received criticism from certain quarters, said that his mandate clearly related also to human rights and terrorism. The definition must evidently be broadened to include new forms and manifestations of the use of mercenaries, and the question of their nationality should also be addressed.

17. **Mr. Bernales Ballesteros** (Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination) welcomed the fact that 22 States had now ratified or acceded to the Convention and that nine others were ready to join. The delay in its entry into force had indeed been the result of problems surrounding the definition of mercenaries, which was clearly inadequate. Moreover, the Convention lacked a monitoring mechanism — an evident lacuna in international law. In order to enhance the effectiveness of efforts to combat the use of mercenaries, the General Assembly should adopt a legal definition of mercenary by 2003 at the latest. He agreed that the question of the nationality of mercenaries should also be incorporated, and that it was vital to address the many root causes of terrorism, which included the injustice that incited people to commit desperate acts.

18. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, said that the right to self-determination featured prominently in core human

rights instruments and in the Charter of the United Nations. Indeed, one of the purposes of the Organization was to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. The right to self-determination — which had lost none of its relevance — illustrated the interdependence and indivisibility of human rights. The freedom of opinion and expression and the freedom of conscience and religion were particularly crucial to its effective realization, as was the right of assembly and the holding of free and fair elections. In that connection, the European Union wished to reaffirm the importance of promoting and reinforcing the proper management of public affairs, democracy and the rule of law throughout the world. The process of democratization was also essential to the recognition of the right of peoples to self-determination.

19. **Mr. Roshdy** (Egypt) said that the right to self-determination was as old as humanity itself and a prerequisite for the guarantee of individual human rights. The Declaration on the Granting of Independence to Colonial Countries and Peoples stated that the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights, was contrary to the Charter of the United Nations and was an impediment to the promotion of world peace and cooperation. It also declared that all armed action or repressive measures of all kinds directed against dependent peoples should cease in order to enable them to exercise peacefully and freely their right to complete independence. Various instruments of international law affirmed the legitimacy of the struggle of occupied peoples, implying a right to struggle by every means available to them for recognition of their right to self-determination once peaceful means had been exhausted.

20. The Palestinian people were among the very few peoples in the world who continued to be deprived of their natural right to self-determination. It was beyond comprehension that the international community should allow the daily and pre-meditated killing and displacement of Palestinian children, women and older people. In pursuing its repressive measures against Palestinian civilians, Israeli occupation forces continued to defy both the will of the international community and international law.

21. **Mr. Xie** Bohua (China) said that the restoration of all legitimate rights of the Palestinian people and a just and equitable settlement of the question of Palestine were the keys to achieving durable peace in the Middle East. Concerned at the tension created by the continued armed invasion of Palestinian-controlled areas, his delegation called upon Israel to immediately cease its military operations and withdraw its forces completely from those areas.

22. The right to self-determination of all peoples was sacrosanct, and applied particularly to oppressed nations in their fight against imperialism and colonial rule. That right should not, however, be used as a pretext for supporting acts that violated the territorial integrity and sovereignty of nations and undermined national unity. Such acts must be strongly condemned by the entire international community.

23. **Mrs. Barghouti** (Observer for Palestine) said that the world had witnessed myriad forms of colonization, subjugation, domination and foreign occupation, but that the sufferings of the Palestinian people under more than three decades of Israeli occupation were unparalleled. The international community — in particular the United Nations — must take swift and concrete measures to help the Palestinian people realize their inalienable right to self-determination, which included their right to an independent State with Jerusalem as its capital. A comprehensive, permanent and lasting peace in the Middle East depended on resolution of that core issue, not merely on sporadic attempts to calm the situation on the ground. Moreover, the near-unanimous position of the international community in support of Palestinian rights must be given concrete follow-up.

24. A bloody military campaign had been waged against the Palestinian people since the beginning of the second intifadah in September 2000. Excessive and indiscriminate use of force by Israeli troops had caused 700 Palestinian deaths and more than 25,000 injuries. On occasion, they had even resorted to war crimes and terrorism. The occupying Power continued to pursue its oppressive policies and practices, including expansion of settlements and confiscation of lands, in flagrant violation of international law and applicable United Nations resolutions. The plight of Palestine refugees and displaced persons was a further cause for concern.

25. The recent deterioration of the situation had greatly undermined any efforts to create an

environment conducive to the resumption of negotiations. Israel's escalation of violence was clearly intended to jeopardize recent positive developments in affirming the right of the Palestinian people to a State. Palestine nevertheless remained committed to the peace process and to the implementation of all signed agreements. She wished to stress that the Palestinian people had made historical compromises in order to achieve their national aspirations and to live in peace and dignity. They would persevere in their struggle until they achieved their inalienable rights and could participate proudly as a full Member of the United Nations. It was her delegation's firm conviction that a people pursuing a just cause could not be defeated. The cases of South Africa and Namibia were an inspiration in that regard.

The meeting rose at 11.55 a.m.